

Item SPR05-22 Response Form

Title: Format of Papers (amend Cal. Rules of Court, rule 201)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2005

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action..*

Invitation to Comment (SPR05-22)

Title	Format of Papers (amend Cal. Rules of Court, rule 201)
Summary	Rule 201 of the California Rules of Court on the format of papers would be amended to require a fax number and e-mail address (if available) on the first page of papers filed with the court.
Source	Civil and Small Claims Advisory Committee Hon. Elihu M. Berle, Chair
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>The California Rules of Court on the format of papers filed with the court were amended in 2000 to provide that, at the option of the person filing, a fax number and e-mail address may be included on the first page of papers. Since that time, fax and e-mail transmission have become more generally available. They provide speedy, economical means of communication. It is desirable that fax numbers and e-mail addresses be included on the first page of pleadings if the person filing the papers is capable of receiving fax and e-mail transmissions.</p> <p>Thus, to improve the information provided on the caption page, rule 201(f) would be changed to require that the caption page include the fax number and e-mail address of the person filing, provided that those transmission methods are available to the person. In rule 201(f)(1), in the first sentence, the phrase "fax number and e-mail address (if provided)" would be changed to "fax number and e-mail address (if available)."</p> <p>Also, in rule 201(f), the last sentence currently states: "Inclusion of a fax number or e-mail address on any document is optional, and its inclusion does not constitute consent to service by fax or e-mail unless otherwise provided by law." This would be changed to: "The inclusion of a fax number or e-mail address on any document does not constitute consent to service by fax unless otherwise provided by law." Thus, the reference to inclusion of this information as "optional" would be eliminated, but the statement that inclusion does not constitute consent to service would be retained. To be consistent with these changes, the phrase "but the name, office address, telephone number, and State Bar membership number of the attorney printed on the page is sufficient" would also be eliminated from rule 201(f)(1).</p> <p>A copy of amended rule 201(f) is attached.</p>
	Attachment

Rule 201 of the California Rules of Court would be amended, effective January 1, 2006, to read:

Rule 201. Form of papers presented for filing

(a)–(e) ***

(f) [Format of first page]

The first page of each paper must be in the following form:

- (1) In the space commencing 1 inch from the top of the page with line 1, to the left of the center of the page, the name, office address or, if none, residence address, telephone number, fax number and e-mail address (if ~~provided~~ available), and State Bar membership number of the attorney for the party in whose behalf the paper is presented, or of the party if he or she is appearing in person; ~~but the name, office address, telephone number, and State Bar membership number of the attorney printed on the page is sufficient. The inclusion of a fax number or e-mail address on any document is optional, and its inclusion~~ does not constitute consent to service by fax or e-mail unless otherwise provided by law.

(2)–(11) ***

(g)–(k) ***